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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,489	03/05/2004	Brian S. McCain	TUC920030184US1 (17306)	3039
46263 7590 09/03/2008 SCULLY, SCOTT, MURPHY, & PRESSER, P.C. 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER NAJEE-ULLAH, TARIQ S	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 09/03/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,489	<b>Applicant(s)</b> MCCAIN ET AL.	
	<b>Examiner</b> TARIQ S. NAJEE-ULLAH	<b>Art Unit</b> 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/12/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action has been issued in response to Applicant's Amendment filed June 12, 2008. Claims 1-18 are pending in the case. Claims 1, 7, and 13 have been amended.

### ***Response to Arguments***

2. Regarding the rejection of claims 1-18 under 35 U.S.C. § 102 (b), Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Therefore, Applicant's arguments relating to the cited references in the rejections of claims 1-18 have been considered but are moot in view of the new grounds of rejection.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on June 12, 2008 was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6,065,053 to Nouri et al (Nouri hereinafter) in view of US Patent No 6,851,105 to Coad et al (Coad hereinafter).

Regarding claims 1 and 7, Nouri teaches **using a command pattern to encapsulate instructions and first data into a command object** (Nouri, col. 14, lines 32-37; reference teaches an encapsulated command and state information, i.e. first data); **and providing the command object to the server host** (Nouri, col. 14, lines 32-37; reference teaches an encapsulated command and state information, i.e. first data); **wherein the server host executes the instructions in the command object to provide second data, based on the first data, in the command object, and returns the command object with the second data to the client host** (Nouri, col. 14, lines 36-54; reference teaches processing the command and responding to the request with the appropriate action, i.e. second data.), **and wherein said command pattern is applied in a graphical user interface** (Nouri, col. 6, line 35).

While Nouri does refer to a graphical user interface, Nouri does not explicitly teach **command pattern is applied in a graphical user interface**. Coad teaches **command pattern is applied in a graphical user interface (GUI)** (Coad, encapsulated command pattern, col. 7, lines 30-37; applied in a GUI, col. 8, lines 59-67). Nouri and Coad are analogous art because they are from the same field of endeavor of computer networks and data management within a computer network environment communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Coad's GUI with Nouri's command pattern

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encapsulation. The suggestion/motivation would have been to improve the structure and performance of object-oriented program development in a computer network environment (Coad, col. 2, lines 58-64).

Regarding claims 2 and 8, Nouri-Coad further discloses the invention substantially as described in claim 1, including wherein **the second data provides a reference to a resource** (Nouri, col. 14, lines 36-54; reference teaches processing the command and responding to the request with the appropriate action, i.e. second data.).

Regarding claims 3 and 9, Nouri-Coad further discloses the invention substantially as described in claim 2, including wherein: **the resource comprises a database** (Nouri, fig. 11; reference teaches data in a log, i.e. database).

Regarding claims 4 and 10, Nouri-Coad further discloses the invention substantially as described in claim 1, including wherein: **the command object is a single object** (Nouri, col. 13, lines 4-16; reference teaches a single read or write command).

Regarding claims 5 and 11, Nouri-Coad further discloses the invention substantially as described in claim 1, including **further comprising: interpreting the second data in the returned command object** (Nouri, col. 14, lines 36-54; reference teaches processing the command and responding to the request with the appropriate action, i.e. second data.).

Regarding claims 6 and 12, Nouri-Coad further discloses the invention substantially as described in claim 1, including **wherein: the instructions include instructions for processing the first data to obtain the second data** (Nouri, col. 14,

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lines 32-54; reference teaches an encapsulated command and state information, i.e. first data and reference teaches processing the command and responding to the request with the appropriate action, i.e. second data.).

Regarding claim 13, Nouri teaches **receiving a command object from the client host; wherein a command pattern is used by the client host to encapsulate instructions and first data into the command object** (Nouri, col. 14, lines 32-37; reference teaches an encapsulated command and state information, i.e. first data); **executing the instructions in the command object to provide second data, based on the first data, in the command object; and returning the command object with the second data to the client host** (Nouri, col. 14, lines 36-54; reference teaches processing the command and responding to the request with the appropriate action, i.e. second data.), **and wherein said command pattern is applied in a graphical user interface** (Nouri, col. 6, line 35).

While Nouri does refer to a graphical user interface, Nouri does not explicitly teach **command pattern is applied in a graphical user interface**. Coad teaches **command pattern is applied in a graphical user interface (GUI)** (Coad, encapsulated command pattern, col. 7, lines 30-37; applied in a GUI, col. 8, lines 59-67). Nouri and Coad are analogous art because they are from the same field of endeavor of computer networks and data management within a computer network environment communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Coad's GUI with Nouri's command pattern encapsulation. The suggestion/motivation would have been to improve the structure

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and performance of object-oriented program development in a computer network environment (Coad, col. 2, lines 58-64).

Regarding claim 14, Nouri-Coad further discloses the invention substantially as described in claim 13, including **wherein: the second data provides a reference to a resource** (Nouri, col. 14, lines 36-54; reference teaches processing the command and responding to the request with the appropriate action, i.e. second data.).

Regarding claim 15, Nouri-Coad further discloses the invention substantially as described in claim 14, including **wherein: the resource comprises a database** (Nouri, fig. 11; reference teaches data in a log, i.e. database).

Regarding claim 16, Nouri-Coad further discloses the invention substantially as described in claim 13, including **wherein: the command object is a single object** (Nouri, col. 13, lines 4-16; reference teaches a single read or write command).

Regarding claim 17, Nouri-Coad further discloses the invention substantially as described in claim 13, including **wherein: the client host interprets the second data in the returned command object** (Nouri, col. 14, lines 36-54; reference teaches processing the command and responding to the request with the appropriate action, i.e. second data.).

Regarding claim 18, Nouri-Coad further discloses the invention substantially as described in claim 13, including **wherein: the instructions include instructions for processing the first data to obtain the second data** (Nouri, col. 14, lines 32-54; reference teaches an encapsulated command and state information, i.e. first data and

reference teaches processing the command and responding to the request with the appropriate action, i.e. second data.).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 7,089,566 to Johnson; US 2002/0116448 to Copeland et al; US 2002/0150079 to Zabawskyj et al.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TARIQ S. NAJEE-ULLAH whose telephone number is



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(571)270-5013. The examiner can normally be reached on Monday through Friday 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. N.

/Bunjob Jaroenchonwanit/  
Supervisory Patent Examiner, Art Unit 2152